

## REMARKS

Claims 1-5, 7-14, 18-21, 25, 30, 33, 35, 39-42, and 44-53 are pending in the application. Claims 6, 15-17, 22-24, 26-29, 31, 32, 34, 36-38 and 43 have been cancelled.

In the Office Action mailed on March 19, 2009 (hereinafter "Office Action"), claims 1-5, 7-14, 18-21, 25, 30, 33, 35, 39-42, and 44-53 stand rejected under 35 USC §103(a). Applicants respectfully respond to the Office Action.

### **Rejections Under 35 U.S.C. §103(a)**

Claims 1-5, 7-14, 18-21, 25, 30, 33, 35, 39-42, and 44-53 stand rejected under 35 USC §103(a) as being unpatentable over various combinations of the following references, namely, US 2001/0034228 (hereinafter "Lehtovirta"), U.S. Patent No. 6,578,085 (hereinafter "Khalil"), U.S. Patent No. 7,058,007 (hereinafter "Daruwalla"), US 2004/0081086 (hereinafter "Hippelainen"), US 2003/0016629 (hereinafter "Bender"), U.S. 5,390,326 (hereinafter "Shah"), U.S. 6,178,327 (hereinafter "Gomez"), and US 2004/0049565 (hereinafter "Keller").

All rejections are respectfully traversed.

The factual inquiries that are relevant in the determination of obviousness under 35 USC §103(a) are: determining the scope and contents of the prior art, ascertaining the differences between the prior art and the claims in issue, resolving the level of ordinary skill in the art, and evaluating evidence of secondary consideration. KSR Int'l Co. v. Teleflex Inc., 550 U.S. 398, 2007 U.S. LEXIS 4745, at \*\*4-5 (2007) (citing Graham v. John Deere Co. of Kansas City, 383 U.S. 1, 17-18 (1966)). As the Board of Patent Appeals and Interferences has recently confirmed, "obviousness requires a suggestion of all limitations in a claim." In re Wada and Murphy, Appeal 2007-3733 (citing CFMT, Inc. v. Yieldup Intern. Corp., 349 F.3d 1333, 1342 (Fed. Cir. 2003)). Moreover, the analysis in support of an obviousness rejection "should be made explicit" KSR, 2007 U.S. LEXIS 4745, at \*\*37. "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." Id. (citing In re

Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)).

The Examiner rejected claims 1-5, 7-12, 14, 18, 25, 30, 33, 39, 40, 42, 44, 46-49, 52 and 53 as being unpatentable over Lehtovirta in view of Khalil and Daruwalla.

To begin with, independent claim 1 is directed to the operation of an end node. For example, the preamble of claim 1 recites:

“A method of operating an end node in a communications system...”

Further, the claim body of claim 1 recites that the end node performs an operation of “generating” a list of network nodes as provided below.

“generating, from Mobile IP signals directed to said end node or transmitted by said end node, a list of network nodes identifying network nodes used in routing signals...”

The Lehtovirta, Khalil, and Daruwalla references taken alone or in combination fail to disclose or suggest the above claim limitation. In the Office Action, the Examiner conceded that Lehtovirta fails to disclose the operation of “generating” but that Khalil discloses what Lehtovirta lacks. Applicants respectfully disagree.

The Examiner identified (column 5, lines 33-42) in Khalil as disclosing the element of “generating” recited above. However, Applicants submit that the list disclosed in Khalil is generated and maintained at a home agent (HA) and not at an end node as recited in claim 1. For example, Khalil states at column 5, line 39:

“The HA 46 compares the mobile node’s new COA against the old COA via the list 52 maintained by the HA 46 ...”(emphasis added)

The Examiner stated in the Office Action (page 16) that claim 1 does not require the list to be generated by the end node.

Applicants submit that claim 1 specifically recites in the preamble that is it directed to the operation of an end node. Thus, all the claim limitations of claim 1 are directed to the operation of an end node, that is, both in the claim preamble and the claim body.

Accordingly, Applicants respectfully submit that the operation of generating occurs at the end node and this claim limitation is not taught by the Lehtovirta, Khalil, and Daruwalla references singly or in combination. Withdrawal of Examiner’s rejection of claim 1 under 35 U.S.C. § 103(a) is in order and is respectfully requested.

As to claims 39, 42, 46, 48, and 52, they all recite a claim element to generate a list at an end node similarly to claim 1. Claim 1 is submitted to be patentable as set forth above, claims 39, 42, 46, 48, and 52 are also patentable for at least the same reasons.

As to claims 2-5, 7-12, 14, 18, 25, 30, 33, 40, 44, 47, 49, and 53, they are also submitted to be patentable as these claims depend on the patentable base claims as set forth above.

Therefore, Applicants respectfully request that the Examiner’s rejection of dependent claims 2-5, 7-12, 14, 18, 25, 30, 33, 40, 44, 47, 49, and 53 under 35 U.S.C. § 103(a) be withdrawn.

The Examiner rejected claim 13 as being unpatentable over Lehtovirta in view of Daruwalla and Hippelainen.

Claim 13 depends from claim 1. Since claim 1 is submitted to be patentable over the cited references, claim 13 is submitted to be patentable for at least the same reasons. Therefore, Applicants respectfully request that the Examiner's rejection of claim 13 under 35 U.S.C. § 103(a), be withdrawn

The Examiner also rejected dependent claims 19-21 and 41 as being unpatentable over Lehtovirta in view of Khalil and Daruwalla as applied to claim 18 above, and further in view of Shah.

With respect to dependent claims 19-21 and 41, Applicants submit that these claims are patentable as they depend on the allowable base claims.

The Examiner also rejected dependent claim 35 as being unpatentable over Lehtovirta in view of Daruwalla, as applied to claim 25, and in further view of Shah.

With respect to dependent claim 35, this claim 35 is submitted to be patentable because claim 35 depends on patentable claims 25 and 1.

The Examiner also rejected dependent claim 45 as being unpatentable over Lehtovirta in view of Khalil and Daruwalla as applied to claim 44 above, and further in view of Hippelainen.

For the same reasons, Applicants submit that dependent claim 45 is patentable because claim 45 depends on an allowable base claim.

In light of the above, Applicants respectfully request that the Examiner's rejection of dependent claims 13, 19-21, 41, 35 and 45 under 35 U.S.C. § 103(a), be withdrawn.

The Examiner also rejected independent claims 50 and 51 as being unpatentable over Lehtovirta in view of Daruwalla.

Independent claims 50 and 51 are directed to a device and a computer-readable media that are both configured to perform the following operations.

“determining said fault response operation as a function of fault response information stored in said end node ....”

Thus, as claimed in claims 50 and 51, a fault operation is determined as a function of fault response information stored in an end node. The Lehtovirta and Daruwalla references taken alone or in any proper combination fail to disclose or suggest the above claim limitation.

In the Office Action, the Examiner identified (paragraph 0044) in Lehtovirta as teaching the above recited operation. However, Applicants assert that Lehtovirta fails to determine a fault response from information stored at the end node as claimed in claims 50 and 51. For example, Lehtovirta states at paragraph (0044) that the failing node detects the fault and determines the fault response (i.e., notifies the end nodes of the type of failure).

“... a failure is detected in a network node (block 110), and a decision is made whether the failure is a partial or complete failure (block 112). If the failure is node-wide, a node reset message is sent to one or more nodes (block 114). On the other hand, for at partial failure, the node forms a list of UEs and connections (in this case radio access bearers) specifically affected by the partial failure. The list could include for example UE

identifiers, (eg., UE's IMSI), and RAB identifiers (block 116). The list is then sent to one or more nodes (block 118)." (*emphasis added*)

Thus, Lehtovirta fails to teach that the fault response is determined from information stored in the end node as claimed in claims 50 and 51.

Therefore, Applicants submit that the Lehtovirta and Daruwalla references, be they taken singly or in combination, fail to disclose or suggest all of the claim elements of claims 50 and 51. Accordingly, Applicants respectfully request withdrawal of the rejection.

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Amendment dated May 18, 2009  
Reply to Final Office Action of March 19, 2009

### REQUEST FOR ALLOWANCE

In light of the foregoing, all claims remaining in application, i.e. claims 1-5, 7-14, 18-21, 25, 30, 33, 35, 39-42, and 44-53 are submitted to be patentable over the prior art. Applicants believe the application is in condition for allowance, reconsideration and allowance are respectfully requested.

In the event of any fees that may be due or any overpayments that may be associated with this response, please charge or deposit the amount to Deposit Account No. 17-0026.

Respectfully submitted,

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